

No. 18-3562

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**

Oct 05, 2018

DEBORAH S. HUNT, Clerk

In re: JAMES C. DIMORA,

Movant.

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O R D E R

Before: GUY, COOK, and WHITE, Circuit Judges.

James C. Dimora, a pro se federal prisoner, moves for an order authorizing the district court to consider a second or successive motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. *See* 28 U.S.C. §§ 2244(b), 2255(h).

In 2012, a jury convicted Dimora of thirty-two counts of racketeering, bribery, fraud, obstruction of justice, and various other crimes. He was sentenced to an aggregate term of 336 months in prison. We affirmed, *United States v. Dimora*, 750 F.3d 619 (6th Cir. 2014), and the Supreme Court denied certiorari, *Dimora v. United States*, 135 S. Ct. 223 (2014).

In 2017, Dimora filed a motion to vacate, set aside, or correct his sentence under § 2255, which remains pending in the district court.

In 2018, Dimora filed a motion for authorization to file a second or successive § 2255 motion, which he subsequently corrected. He seeks to raise various judicial bias, judicial misconduct, and prosecutorial misconduct claims and purports to support the claims with newly discovered evidence.

Dimora need not obtain our authorization to file his proposed § 2255 motion. Because his first § 2255 motion to vacate is still pending in the district court, he can instead seek leave to amend that motion to add the claims that he seeks to raise in his proposed § 2255 motion. *See*

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*United States v. Sellner*, 773 F.3d 927, 931-32 (8th Cir. 2014); *Clark v. United States*, 764 F.3d 653, 658-60 (6th Cir. 2014).

Accordingly, we **DENY** as unnecessary Dimora's motion for authorization to file a second or successive motion to vacate and transfer the matter to the United States District Court for the Northern District of Ohio with instruction to treat Dimora's motion for authorization as a motion to amend his pending motion to vacate.

ENTERED BY ORDER OF THE COURT



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Deborah S. Hunt, Clerk